

Introduced by Senator Figueroa

February 23, 2006

An act to amend Section 473.3 of the Business and Professions Code, and to amend Section 94999 of the Education Code, relating to education, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1473, as introduced, Figueroa. Education: private postsecondary and vocational education.

(1) The existing Private Postsecondary and Vocational Education Reform Act of 1989, which is administered by the Bureau for Private Postsecondary and Vocational Education in the Department of Consumer Affairs, generally effectuates legislative intent to ensure minimum standards of instructional quality and institutional stability in private postsecondary educational institutions. Existing law establishes the California Postsecondary Education Commission as the statewide postsecondary education planning and coordinating agency and as an adviser to the Legislature and the Governor. Existing law establishes the Joint Committee on Boards, Commissions and Consumer Protection and specifies its duties with respect to the review of various boards and commissions. Existing law requires the committee, in cooperation with the commission, in 2002 and every 4 years thereafter, to hold a public hearing to receive testimony from the Director of Consumer Affairs, the Bureau for Private Postsecondary and Vocational Education, private postsecondary educational institutions regulated by the bureau, and students of those institutions. Under existing law, the bureau shall have the burden of demonstrating a compelling need for the continued existence of the bureau and its regulatory program, and also that its function is the least restrictive regulation consistent with public health, safety, and welfare.

This bill would change the intervals and dates that the committee is required to hold public hearings to receive testimony from the Director of Consumer Affairs, the Bureau for Private Postsecondary and Vocational Education, and others from every four years starting in 2002 to unspecified dates and intervals.

(2) Existing law establishes the Private Postsecondary and Vocational Education Administration Fund and the continuously appropriated Student Tuition Recovery Fund. Existing law also specifies that certain violations of the Private Postsecondary and Vocational Education Reform Act are subject to civil penalties and that certain willful violations of the act are punishable as crimes.

Under existing law, the Private Postsecondary and Vocational Education Reform Act of 1989 becomes inoperative on July 1, 2007, and is repealed unless a later enacted statute becomes operative on or before January 1, 2008.

This bill would change this inoperative date to an unspecified date, thus extending the operation of the act, thereby making an appropriation by extending the existence of the continuously appropriated Student Tuition Recovery Fund.

By extending the operation of the provisions of the act that establish crimes, the bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 473.3 of the Business and Professions
- 2 Code is amended to read:
- 3 473.3. (a) Prior to the termination, continuation, or
- 4 reestablishment of any board or any of the board's functions, the
- 5 Joint Committee on Boards, Commissions, and Consumer
- 6 Protection shall, during the interim recess preceding the date
- 7 upon which a board becomes inoperative, hold public hearings to
- 8 receive testimony from the Director of Consumer Affairs, the

1 board involved, and the public and regulated industry. In that
2 hearing, each board shall have the burden of demonstrating a
3 compelling public need for the continued existence of the board
4 or regulatory program, and that its licensing function is the least
5 restrictive regulation consistent with the public health, safety,
6 and welfare.

7 (b) In addition to subdivision (a), in ~~2002 and every four years~~
8 ~~thereafter~~ _____, the committee, in cooperation with the
9 California Postsecondary Education Commission, shall hold a
10 public hearing to receive testimony from the Director of
11 Consumer Affairs, the Bureau for Private Postsecondary and
12 Vocational Education, private postsecondary educational
13 institutions regulated by the bureau, and students of those
14 institutions. In those hearings, the bureau shall have the burden
15 of demonstrating a compelling public need for the continued
16 existence of the bureau and its regulatory program, and that its
17 function is the least restrictive regulation consistent with the
18 public health, safety, and welfare.

19 (c) The committee, in cooperation with the California
20 Postsecondary Education Commission, shall evaluate and review
21 the effectiveness and efficiency of the Bureau for Private
22 Postsecondary and Vocational Education, based on factors and
23 minimum standards of performance that are specified in Section
24 473.4. The committee shall report its findings and
25 recommendations as specified in Section 473.5. The bureau shall
26 prepare an analysis and submit a report to the committee as
27 specified in Section 473.2.

28 (d) In addition to subdivision (a), in 2003 and every four years
29 thereafter, the committee shall hold a public hearing to receive
30 testimony from the Director of Consumer Affairs and the Bureau
31 of Automotive Repair. In those hearings, the bureau shall have
32 the burden of demonstrating a compelling public need for the
33 continued existence of the bureau and its regulatory program, and
34 that its function is the least restrictive regulation consistent with
35 the public health, safety, and welfare.

36 (e) The committee shall evaluate and review the effectiveness
37 and efficiency of the Bureau of Automotive Repair based on
38 factors and minimum standards of performance that are specified
39 in Section 473.4. The committee shall report its findings and
40 recommendations as specified in Section 473.5. The bureau shall

1 prepare an analysis and submit a report to the committee as
2 specified in Section 473.2.

3 SEC. 2. Section 94999 of the Education Code is amended to
4 read:

5 94999. This chapter shall become inoperative on ~~July 1,~~
6 ~~2007~~____, and, as of ~~January 1, 2008~~____, is repealed, unless a
7 later enacted statute, that becomes operative on or before ~~January~~
8 ~~1, 2008~~____, deletes or extends the dates on which it becomes
9 inoperative and is repealed.

10 SEC. 3. No reimbursement is required by this act pursuant to
11 Section 6 of Article XIII B of the California Constitution because
12 the only costs that may be incurred by a local agency or school
13 district will be incurred because this act creates a new crime or
14 infraction, eliminates a crime or infraction, or changes the
15 penalty for a crime or infraction, within the meaning of Section
16 17556 of the Government Code, or changes the definition of a
17 crime within the meaning of Section 6 of Article XIII B of the
18 California Constitution.